

06-18-01

CPA/1614

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PTO/SB/29 (12/97) (modified)  
 Approved for use through 09/30/00. OMB 0651-0032  
 Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

JUN 15 2001

# CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

*Submit an original, and a duplicate for fee processing.  
(Only for continuation or Divisional applications under 37 CFR 1.53(d))*

#22  
JUL  
6/25/01

CHECK BOX, if applicable:  
 **DUPPLICATE**

<b>ADDRESS TO:</b>  <b>Assistant Commissioner for Patents</b> <b>Box CPA</b> <b>Washington, DC 20231</b>	Attorney Docket No.	311772000321	RECEIVED
	First Named Inventor	Helena P. SELAWRY	
	Express Mail Label No.	EL779829317US	
	Total Pages	14	

JUN 20 2001

TECH CENTER 1600/2900

This is a request for a  continuation or  divisional application under 37 CFR 1.53(d),  
 (continued prosecution application (CPA)) of prior application number 08/747,122,  
 filed on November 8, 1996, entitled METHODS OF TREATING DISEASE USING SERTOLI CELLS AND ALLOGRAFTS OR XENOGRAFTS.

### NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), 1995, or (2) the national stage of an international application in compliance with 35 U.S.C. 371.

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under CFR 37 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

1.  Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 CFR 1.116 in the prior nonprovisional application.
2.  A preliminary amendment is enclosed.
3.  This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
  - a.  **DELETE** the following inventor(s) named in the prior nonprovisional application:  
.....  
.....
- b.  The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4.  A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5.  Information Disclosure Statement (IDS) is enclosed:
  - a.  PTO-1449
  - b.  Copies of IDS Citations

0877122

031952

 710.00  
 532.00  
 560.00  
 480.00

 06/19/2001 EEFUBAY1 00000046 031952  
 01 FC:131  
 02 FC:103  
 03 FC:126

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c))	49-20 =	29	X \$18.00 =	\$522.00
	INDEPENDENT CLAIMS (37 CFR 1.16(b))	10-3 =	7	X \$80.00 =	\$560.00
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			+ \$270.00 =	\$0.00
				BASIC FEE (37 CFR 1.16(a))	\$710.00
				Total of above Calculations =	\$1792.00
	Reduction by 50% for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28).				\$0
	Petition for Extension of Time (5 months)				\$1890.00
				TOTAL =	\$3682.00

6. Small entity status:

- a.  A small entity statement is enclosed.
- b.  A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- c.  Is no longer claimed.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 03-1952 (reference docket no. 311772000321). Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.

- a.  Fees required under 37 CFR 1.16.
- b.  Fees required under 37 CFR 1.17.
- c.  Fees required under 37 CFR 1.18.

8.  A check in the amount of \$ \_\_\_\_\_ is enclosed.

9.  Other: Petition for extension of time (5 months) and return receipt postcard .....

.....

**NOTE:**

The prior application's correspondence address will carry over to this CPA  
UNLESS a new correspondence address is provided below.

**10. NEW CORRESPONDENCE ADDRESS**

Gladys H. Monroy  
Registration No. 32,430

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Dated: June 15, 2001

Respectfully submitted,

By:   
Randolph T. Apple

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

Express Mail Label No.: EL779829317US

Date of Deposit: June 15, 2001

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Tamara Venegas



PATENT  
Docket No. 31177200032!

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Tamara Venegas

23/C  
JPL  
6/25/01

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the application of:

Helena P. SELAWRY and  
Don F. CAMERON

Serial No.: 08/747,122

Filing Date: 08 November 1996

For: METHODS OF TREATING DISEASE  
USING SERTOLI CELLS AND  
ALLOGRAFTS OR XENOGRAFTS

Examiner: C. Delacroix-Muirheid

Group Art Unit: 1614

Box CPA  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

This preliminary amendment accompanies a Continued Prosecution Application (CPA) under 37 C.F.R. 1.53(d).

**I. AMENDMENTS**

In the Claims:

Please cancel claims 47-49 without prejudice to future prosecution.

Please amend claim 50 by replacing the pending claim with the following:

50. (Amended) A method of treating an autoimmune disease in a mammal wherein said method comprises transplanting into said mammal a therapeutically effective amount of isolated Sertoli cells and pancreatic islet cells to a transplant site in said mammal having said autoimmune disease, wherein said site is other than testes, and wherein said autoimmune disease is Type I diabetes mellitus.